

REMARKS

This Amendment is in response to the Office Action of November 23, 2007. In the Office Action, Claims 1-20 were indicated to be pending, and Claims 1-13 and 17 were indicated to be withdrawn from consideration. Claims 14-16 and 18-20 were rejected. With this Amendment, claims 14-16 and 18-20 are presented for reconsideration and allowance.

Claims 14 and 18 were rejected as being anticipated by DE 4404618 (Fussnegger). Applicant traverses the rejection.

Applicant respectfully disagrees that Fussnegger (German Pat. No. 44 04 618) anticipates independent claims 1 and 18. An element of claims 14 and 18 includes that the closure elements have side sections, the side sections of two adjacent closure elements being in sliding engagement with each other when the adjacent closure elements are in a stacked position. Upon reviewing the English translation of Fussengger provided by the Office, there is no disclosure in Fussnegger of side sections of adjacent closure elements being in slidable engagement with each other when the adjacent closure elements are in a stacked position.

Rather, in Fussnegger, the panels 32 become completely disengaged from each other when they are stacked in each individual stacking track 37, as shown in Fig. 7. Since the panels 32 are separated when in the stacking track 37, as shown in Fig. 7, the side sections of two adjacent closure elements are not in sliding engagement when they are in the stacked position, as claimed. Due to the particular configuration of the front lower and rear upper part of the adjacent panels, and due to the particular shape of the tracks 37, the rear upper part of the forward panel is engaged again with the lower front part of the next panel when the forward panel is moved into the common guide track 33. A locking rail 78 having locking cams 79 is required to keep the panels in their stacking track. In order to allow the panels 32 to be moved out of their stacking track 37 again, the rail can be moved horizontally (through the elongated holes 80) against a spring force to give way to the front of the panels 32. Thus, any sliding engagement of the side sections of panels only occurs when the panels 32 are moved into the common guide track 33. The side sections of two adjacent panels in Fussnegger are not in sliding engagement with each other when the two adjacent closure elements are in a stacked position.

The sliding engagement of side sections of two adjacent closure element leads to a more reliable structure, and a better functioning roof assembly. The closure elements are not only guided by storage tracks, but also by each other. This improves control of the closure elements in the stacked positions, and it is also a manner of reducing the stacking height as the panels are kept in close proximity through their side sections.

The constant engagement of side sections of adjacent closure elements when the adjacent closure elements are in a stacked position is not taught, suggested or rendered obvious in view of Fussnegger, as the particular curvature of track 37 is an alternative for the constant engagement. Since Fussnegger fails to teach the missing features from claims 14 and 18, the claims are not anticipated by Fussnegger. Nor is it believed that the claimed invention would be obvious in view of Fussnegger. Therefore, independent claims 14 and 18 are in allowable form. Reconsideration and allowance of claims 14 and 18 are requested.

The Office Action also rejected claims 15, 16, 19 and 20 as being anticipated by Fussnegger. While Applicant does not acquiesce to the rejections of claims 15, 16, 19, and 20, the rejections are moot in light of the fact that independent claims 14 and 18 are in allowable form. Since claims 14 and 18 are in allowable form, it follows that dependent claims 15, 16, 19, and 20 are also in allowable form. Reconsideration and allowance of claims 15, 16, 19 and 20 are requested.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which applicant's attorney chooses to mention at this time. For the foregoing reasons, applicant reserves the right to submit additional evidence showing the distinction between applicant's invention and the prior art.

Furthermore, in commenting on the references and in order to facilitate a better

understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

A two month extension of time is hereby requested for responding to the Office Action. An online charge authorization for the extension of time fee is included herewith.

The Application appears to be in condition for allowance, and favorable action is requested. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

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